

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Brenda Harris

Respondent

Civil Citation No.90414

7608 Carson Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on May 4, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (B)(1), failure to repair and/or replace defective soffit and fascia boards on residential property.

On April 18, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Alphonso Griffin issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$800.00 (eight hundred dollars).

The following persons appeared for the Hearing and testified: Brenda Harris, Respondent and Alphonso Griffin, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint an inspection of the property occurred on 3/17/11, revealing the presence of junk, trash and debris as well as needed repairs to deteriorating soffit and fascia boards. A Correction Notice was issued. A re-inspection took place on 4/18/11, at which time it was noted that the debris and trash issues had been resolved, but the structural violations on the subject structure remained untouched. A Citation was issued, mailed and posted. A pre-hearing inspection of 5/2/11 revealed no change.

The Respondent testified that the property had belonged to her deceased parents and had passed to her through the estate. Although deeded to her, there was an outstanding mortgage that she has so far been unsuccessful in assuming. She described those efforts as continuing. It was explained to her that, notwithstanding her difficulty in arranging the mortgage assumption, she was the titled owner shown on the County records and as such was responsible for the condition of the structure. It was elicited from the testimony that her husband had done some work on the home but had not done the repairs for which the citation was issued.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that \$450.00 of the \$500.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$450.00 civil penalty will be imposed if the property is not brought into compliance by July 15, 2011.

IT IS FURTHER ORDERED that the remaining \$450.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 24th day of May 2011

Signed: ORIGINAL SIGNED

Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

LMS/jaf